

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARMAR BROWN,

Defendant.

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CASE NO. 8:05CR161

ORDER

This matter is before the Court on the government's motion to dismiss appeal (Filing No. 33).

The government requests dismissal of its interlocutory notice of appeal (Filing No. 26). However, the appeal has been docketed by the Eighth Circuit Court of Appeals (Filing No. 29). Therefore, this Court lacks jurisdiction in this matter. Fed. R. App. 42(a). The government must file a motion with the Eighth Circuit. Fed. R. App. P. 42(b).

IT IS ORDERED that the government's motion to dismiss appeal (Filing No. 33) is denied for lack of jurisdiction.

DATED this 7th day of March, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge